THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO. 25687 OF 2005

Dated 2nd December 2005

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Between:

The Regional Manager, APSRTC,

Prakasam Region, Ongole.

…Petitioner

And

The State Secretary, APSRTC Emplooyees Union,

Ongole, rep.on behalf of N.Venkateswarlu & another.

…Respondents

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O R D E R:

A conductor, by name N.Venkateswarlu, was employed in APSRTC, at Ongole Region. A check took place on 18.4.1997, and on the basis of the departmental enquiry initiated thereafter, the Depot Manager passed an order of removal of the conductor. Aggrieved thereby, the conductor preferred an appeal before the Divisional Manager. The appeal was rejected, and in the review filed before the petitioner herein, an order was passed setting aside the order of removal, and directing imposition of punishment of stoppage of two annual increments, with cumulative effect.

At the instance of the conductor, a reference was made to the Labour Court and the same was taken as I.D.No.294 of 2001, on the file of the Labour Court, Guntur. Through its award, dated 9.2.2005, the Labour Court modified the punishment to be the one for stoppage of one increment, with cumulative effect. The

same is challenged in this writ petition.

Heard the learned Standing Counsel for the petitioner.

The petitioner himself took the view that the order of removal from service, against the conductor was not justified, and the punishment of stoppage of two annual increments, with cumulative effect, was imposed. The Labour Court discussed the matter at length, and found that the conductor cannot be said to have collected the fare from three passengers. He has drawn this inference from the fact that the passengers were levied the penalty of Rs.30/-. At any rate, the findings recorded and punishment ordered by the Labour Court cannot be interfered, unless it is established that there was a perversity in the same. This Court does not find any basis to interfere with the award of the Labour Court.

The writ petition is accordingly dismissed. There shall be no order as to costs.

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2nd December 2005

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